

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PCT/DO/EO
HAND CARRY PCT LEGAL OFFICE

In re U.S. Patent Application

Attorney Docket: KOLB3002/JEK

Alexander KOLBECK et al.

Serial Number: 09/926,792

Filed: December 20, 2001

For: METHOD FOR OPERATING A PORTABLE DATA CARRIER CONFIGURED
FOR EXECUTING RELOADABLE FUNCTIONAL PROGRAMS

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Reconsideration of the dismissal of Applicants' petition under 37 C.F.R. 1.47(a) and 1.497(b)(2) filed 29 July 2002 to accept the application without the signature of joint inventor, Alexander Kolbeck, is respectfully requested. The required petition fee has been submitted with the original petition.

The Decision on Petition mailed 3 December 2002 dismissing the original petition states that two items required to grant the petition have not been satisfied. Specifically, (1) proof that a *bona fide* attempt was made to present the application papers to Alexander Kolbeck by a person having first hand knowledge of the underlining facts; (2) the declarations filed with the original petition were defective as failing to include the names of all of the inventors on all of the executed declarations.

Applicant herewith submits substitute declarations each naming all inventors and executed by the inventors on behalf of themselves, and a signature on behalf of Alexander Kolbeck by one of the co-inventors on behalf of Mr. Kolbeck.

It is respectfully submitted that the requirement of a properly executed declaration has been satisfied.

It is noted that the address of the inventor Stocker changed since the filing of the original application documents, and it is presumed that the corrected address will be entered by the Office based on the current declaration.

Applicant also submits herewith a Declaration of Mr. A. Branzka, a patent engineer in the Patent and Licensing Department of the owner of the present application stating that he transmitted the declaration and appointment of attorney form for this application to the inventor Alexander Kolbeck originally on April 4, 2002, with reminders again sent or attempted on June 24, 2002, June 28, 2002, July 2, 2002 and July 5, 2002. On February 24, 2003, Mr. Branzka sent a copy of the complete U.S. patent application documents accompanied by a declaration form and an assignment form for signature by Mr. Kolbeck with a renewed request for his signature. Mr. Branzka states that, to his knowledge, Mr. Kolbeck has never attempted to contact him since February 24, 2003 nor has Mr. Kolbeck returned the declaration and power of attorney forms sent to him.

It is respectfully submitted that the refusal of Mr. Kolbeck to execute a declaration for this application after receiving a complete copy of the application with the accompanying declaration has been established and that approval of the petition is appropriate.

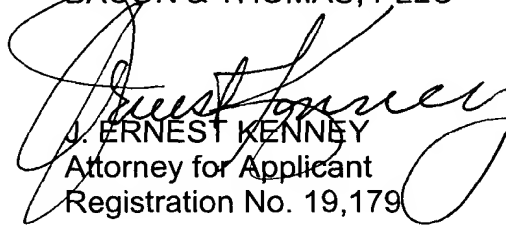
This paper is accompanied by a petition to enlarge the initial term set of two months for responding to the decision of the Office of PCT Legal Administration on the

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original petition, with the requisite fee. Please charge any additional fee that may be required or refund any excess fee to Deposit Account No. 02-0200.

Respectfully submitted,

BACON & THOMAS, PLLC


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Date: April 3, 2003



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